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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,964	08/31/2001	Shawn S. Cornelius	10022/55	1551
28164 7	590 03/20/2006		EXAMINER	
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CHICAGO, II	-		2151	
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DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		09/943,964	CORNELIUS ET AL.			
		Examiner	Art Unit			
		KAMAL B. DIVECHA	2151			
The MAILING DA Period for Reply	TE of this communication app	pears on the cover sheet with the c	orrespondence address			
WHICHEVER IS LONGI - Extensions of time may be avail after SIX (6) MONTHS from the - If NO period for reply is specifie - Failure to reply within the set or	ER, FROM THE MAILING D able under the provisions of 37 CFR 1.1 mailing date of this communication. d above, the maximum statutory period extended period for reply will, by statute later than three months after the mailing	Y IS SET TO EXPIRE 3 MONTH (ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONE g date of this communication, even if timely filed	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1) Responsive to cor	nmunication(s) filed on 27 F	ebruary 2006.				
2a) ☐ This action is FINA		action is non-final.				
3) Since this applicat	, —					
closed in accorda	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <i>1-23</i> is/a	re pending in the application					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
	S) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>1-23</u> is/a	Claim(s) <u>1-23</u> is/are rejected.					
7) Claim(s) is/	Claim(s) is/are objected to.					
8) Claim(s) ar	8) Claim(s) are subject to restriction and/or election requirement.					
Application Papers						
9)⊠ The specification is	s objected to by the Examine	er.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. §	119					
12) Acknowledgment is	s made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(d) or (f).			
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)):						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
 Notice of References Cited (D Notice of Draftsperson's Pat 		4) Interview Summary Paper No(s)/Mail Da				
	ment(s) (PTO-1449 or PTO/SB/08)		atent Application (PTO-152)			

Response to Arguments

Claims 1-23 are pending in this application.

Finality of Office Action

Applicant's arguments, see remarks page 8, filed on February 27, 2006, with respect to the finality of office action have been fully considered and are persuasive. The final office action issued on October 26, 2005 has been withdrawn and a non-final office action has been issued accordingly.

37 CFR 1.131 Declarations

Applicant has decided not to antedate the Sato et al. reference at this time (see the remarks filed on 2/27/06, page 9).

Conception and Diligence

The objection made in the prior office action with respect to conception and diligence was proper. The information and/or the redacted copy of the time summary provided by the applicants were not sufficient enough to show the conception and/or diligence prior to Sato.

Applicants have decided not to provide further evidence of reduction to practice, conception and diligence at this time.

Therefore the objection would still be maintained if applicants do not provide any further evidence in order to antedate the Sato reference because of the reasons set forth in prior office action.

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claims 1-23 are presented for re-examination.

Specification

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make and use the invention, i.e., failing to provide an enabling disclosure.

The test to be applied under the written description portion of 35 U.S.C. § 112, first paragraph, is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession at that time of later claimed subject matter. Vas-Cat, Inc. v. Mahurkar, 935 F. 2d 1555, 1565, 19 USPQ2d 111, 1118 (Fed. Cir. 1991), reh'rg denied (Fed. Cir. July 8, 1991) and reh'rg, en banc, denied (Fed. Cir. July 29, 1991).

The applicants have failed to provide an enabling disclosure in the detailed description of the embodiment. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to support the subject matter set forth in these claims.

The claims recite the limitation of "a fault detector associated with the first software stage component and the second software stage component to detect a fault in the remote software module by detecting whether the data message or a derivative thereof flows **entirely** through at least one of the first stage software component and the second stage software component", "…hence, flow **entirely** through at least one of the first stage software component and the second stage software component and the

However, the specification merely suggests that the process of identifying a deficient software component of the installed remote software module as any of said software stage components that **block or disrupts** the flow of data message between two adjacent nodes (figure 8).

There is no indication whatsoever in the specification of the fact that the process of detecting fault in the software module is conducted by detecting whether the data message or a derivative thereof flows **entirely** through at least one of the software stages.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-21 are rejected under 35 U. S. C. 112, first paragraph, for the reasons as set forth in the objection to the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Ahmed (U. S. Patent No. 6,813,634 B1).

As per claim 22, Ahmed discloses a method of monitoring a business-to-business system, the method comprising: transmitting a status code from a base data processing system to a remote data processing system via a communications network (fig. 2 item #21); receiving the status code at a data receiver in the remote data processing system (fig. 2 item #21); inputting the status code into a remote software module of the remote data processing system (networked PC in figure 2 inherently inputs the status code or ping into a remote software module); determining whether the remote software module provides a logical data path of continuity to the status code; outputting the status code from an output of the remote software module if the determining determines that the remote software module provides a logical data path of continuity to the status code (fig. 2 item #22: the step of determining is inherent to the step of outputting, i.e.

Ahmed's system inherently determines that the remote software module provides a logical data path of continuity to the status code because the software module provides logical path of continuity to the status code); and transmitting the outputted status code back to the base data processing system via the communications network as

a feedback indicative of the proper end-to-end continuity of communications in a business-to-business environment (fig. 2 item #22, 23, fig. 3 item #31 and col. 2 L29-65: note that if a response or reply is received from networked PC, than there must be an end-to-end continuity of communications).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmed (U. S. Patent No. 6,813,634 B1) in view Sato et al., (hereinafter Sato, U. S. Patent No. 6,718,482 B2).

As per claim 1, Ahmed discloses a remote data processing system comprising: a data receiver for receiving the data message (fig. 1 and fig. 2); a remote software module arranged to receive the data message from the data receiver (fig. 1: PC are inherently associated with the software modules such as operating system that usually includes plurality of software stages cascaded with each other); and a fault detector associated with the remote software module to detect a fault in the remote software module by detecting whether the data message or a derivative thereof flows entirely through the remote software module (fig. 1 item #2, 4, 5; the computers associated with the network 2, 4, 5 are inherently equipped with the remote software module or an operating system) by detecting whether the data message or a derivative thereof flows entirely through at least one of the first stage software component and the second stage software component (fig. 2 item #21, 22, 20, 23 and col. 2 L29-64: software module receives the ping message and replies to the ping message if the software module in PC is functioning, in other words the ping message flows through the software module in PC and the reply is sent. please note that if the software module was not functioning than the software module would not be able to process the ping message, hence no reply would be sent in this case: all interpreted as whether the data message flows through the software module), however Ahmed does not disclose that the remote software module includes a first stage software component cascaded with a second stage software component (please note that Ahmed might inherently disclose the remote software module including first stage software module cascaded with the second stage).

Sato, from the same field of endeavor discloses a remote software module arranged to receive the data message from the data receiver, the remote software module including at least a first stage software component cascaded with a second stage software component (fig. 1 item #112, 105 and item #110).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Ahmed in view of Sato in order to include a remote software module including at least first stage software component cascaded with a second stage software component, since Sato teaches cascading the first software stage with the second software stage component.

One of ordinary skilled in the art would have been motivated because cascading the plurality of software modules in a single computer would have enabled the communications to the different computers on the network and would have enabled the process of monitoring the software faults in the first software environment (Sato, col. 2 L47-67).

As per claim 2, Ahmed discloses the system comprising a remote status reporter for reporting a status message on at least one of the remote software module and hardware of the remote data processing system (col. 2 L28-45: a reply is sent in response to ping message, since the PC is capable of replying to the ping query message, it must be equipped with the status reporter for reporting the status).

As per claim 3, Ahmed discloses the system comprising a database for storing detected faults, stage identifiers, and fault descriptions outputted by the fault detector (fig. 1 item #13, 11 and fig. 5 item #13, 11, col. 5 L50-67).

As per claim 4, Ahmed discloses the system comprising a database for storing the status data on corresponding components of a remote data processing system (fig. 1 item 11, 13, fig. 5 item #11, 13 and col. 5 L50-57).

As per claim 5, Ahmed discloses the system comprising a database, the fault detector logging one or more error messages into the database (col. 5 L20-37).

As per claim 6, Ahmed discloses the system comprising feedback generator associated with the remote software module, the feedback generator receiving a status code outputted from the remote software module and forwarding the status code to a transmitter for transmission via a communications network (fig. 2 item #22 and item #23: since the PC and the associated software module provides a feedback or a reply, there must be a feedback generator associated with the PC or the software module that is able to output a status code from the remote software module and forwarding the status code to transmitter for transmission via communications network).

As per claim 7, Ahmed discloses the feedback generator associated with the remote software module, the feedback generator generating a status code for a transmitter upon detection of a status code from the remote software module (fig. 2 item #22 and item #23: since a reply of Ok is sent by the PC and/or remote software module, there must be a feedback generator that generates reply or status code upon the detection from the software module).

As per claim 8, Ahmed does not disclose the system wherein the fault detector has logical connections including a connection with an input of the first software stage component, an output of the first software stage component, and an output of the second software stage component. Sato discloses the fault detector having logical connections including a connection with an input of the first software stage component, an output of the first software stage

component, and an output of second software stage component (fig. 1 item #101). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Ahmed in view of Sato, wherein fault detector would have logical connections with an input and output of the first stage software component and an output of the second software stage component. One of ordinary skilled in the art would have been motivated because it would have identified the occurrence and the location of the faults.

As per claim 9, Ahmed discloses the system comprising a fault detector that identifies the first software stage as a faulty software component if the data message is present at an input of the first software stage, but not the output of the first software stage (fig. 2 and col. 2 L29-65).

As per claim 10, Ahmed does not disclose the system wherein the fault detector identifies the second software stage as a faulty software component if the data message is present at an input of the second software stage, but not the output of the second software stage. But, it would have been obvious to the one of ordinary skilled in the art at the time the invention was made to modify Ahmed in order to detect fault in the second software stage by pinging the second software stage component and monitoring the response or reply, since Ahmed teaches the process of pinging and monitoring the responses in the remote software module (fig. 2 and col. 2 L29-65). One of ordinary skilled in the art would have been motivated because it would have detected faults in the software module (Ahmed, col. 2 L29-65).

As per claim 11, Ahmed discloses the system comprising a fault detector that identifies the first software stage as a faulty software component if a derivative of the data message (please note derivative of a data message is simply interpreted as a data message or a query message) is

present at an input of the first software stage, but not the output of the first software stage (fig. 2 and col. 2 L29-65).

As per claim 12, Ahmed does not disclose the system wherein the fault detector identifies the second software stage as a faulty software component if a derivative of the data message is present at an input of the second software stage, but not the output of the second software stage. But, it would have been obvious to the one of ordinary skilled in the art at the time the invention was made to modify Ahmed in order to detect fault in the second software stage by pinging the second software stage component and monitoring the response or reply, since Ahmed teaches the process of pinging and monitoring the responses in the remote software module (fig. 2 and col. 2 L29-65). One of ordinary skilled in the art would have been motivated because it would have detected faults in the software module whether it's a first stage software component or the second stage software component (Ahmed, col. 2 L29-65).

4. Claims 13, 16, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman (Pub. No.: US 2002/0112039 A1) in view Sato et al., (hereinafter Sato, U. S. Patent No. 6,718,482 B2).

As per claim 13, Ullman discloses a method for monitoring a remote data processing system, the method comprising: having a remote data processing system receive a data message from a base data processing system via a communications network that is external to the remote data processing system (fig. 2A item #214, 218; fig. 5A; pg. 5 [0069]; pg. 6 [0084]); cascading at least a first stage software component to form an installed software module of the remote data processing system for accepting the received data message (fig. 2E item #230 and item #236; pg.

5 [0073]: please note that an operating system associated with the endpoint device is an remote software module that inherently includes at least a first stage software component and second stage software component); identifying a deficient software component of the installed remote software module as any of said software stage components that blocks or disrupts the flow of the data message between the two adjacent logical nodes (fig. 9F item #966, 968, 970, 972, 976), however Ullman does not disclose the process of detecting the data message or a derivative at a group of logical nodes within the installed remote software module to determine flow of the data message, or a derivative thereof, between the logical nodes and, hence, flow entirely through at least one of the first stage software component and the second stage software component.

Sato, from the same field of endeavor discloses the process of detecting the data message or a derivative at a group of logical nodes within the installed remote software module to determine the flow of data message, or a derivative thereof, between the logical nodes and, hence, flow entirely through at least one of the first stage software component and the second stage software component (col. 8 L28-52 and fig. 8).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Ullman in view of Sato, in order to detect the data message or a derivative at a group of logical nodes within the installed remote software module to determine flow of the data message.

One of ordinary skilled in the art would have been motivated because it would monitored the software faults within the monitored computer (Sato, see abstract, col. 8 L28-52).

As per claim 16, Ullman discloses the process of routing the status code from the base data processing system via the communications network to the remote data processing system (fig. 9F item #966) and routing the status code from the remote data processing system to the base data processing system (fig. 9F item #970, item #972) to indicate that the continuity of at least one logic path traversed by the status code.

As per claim 18, Ullman discloses the process of determining that one of the at least a first stage software component and a second stage software component immediately following the last detected data message is at fault (fig. 9F item #966, 968, 970, 976).

As per claim 21, Ullman discloses the process of archiving a fault analysis report in a database associated with the remote data processing system (pg. 10 [0144] and pg. 14 [0187-0188]).

5. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman (Pub. No.: US 2002/0112039 A1) in view Sato et al., (hereinafter Sato, U. S. Patent No. 6,718,482 B2), and further in view Short et al., (hereinafter Short, U. S. Patent No. 6,178,529 B1).

As per claim 14, Ullman in view of Sato does not disclose the process of passing a status code, distinct from the data message, from at least input of the installed remote software module to an output of the installed remote software module to indicate that the installed remote software module is operational.

Short, from the same field of endeavor discloses the process of sending the periodic messages, called heartbeats, to other resources such as physical device or an application to

provide a mechanism for detecting that the communication path is good and the other systems such as physical device or an application are operational (col. 5 L1-10).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Ullman and Sato in view of Short, in order to pass the status code distinct from the status message, from an input of the installed remote software module to an output of the installed software module to indicate that the installed remote software module is operational.

One of ordinary skilled in the art would have been motivated because it would have provided a mechanism for detecting that the software module is operational (Short, col. 5 L1-5).

As per claim 15, Ullman in view of Sato does not disclose the process of passing a status code from at least an input of the communications network to an output of the communications network to indicate that the communications network is operational. Short from the same field of endeavor discloses the process of sending periodic messages to counterpart components on the other systems to provide a mechanism for detecting that the communication path or network is operational or good (col. 5 L1-5). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Ullman and Sato in view of Short, in order to pass a status code from an input of the communications network to an output of the communications network to indicate that the communication network is operational. One of ordinary skilled in the art would have been motivated because it would have provided a mechanism for detecting that the communication path or network is good or operational (Short, col. 5 L1-5).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman (Pub. No.: US 2002/0112039 A1) in view Sato et al., (hereinafter Sato, U. S. Patent No. 6,718,482 B2), and further in view Pocrass (U. S. Patent No. 5,428,806).

As per claim 17, Ullman in view of Sato does not explicitly disclose the process of tapping into a logical data path between the first stage software component and the second stage software component to detect whether each of the first and second stage software components are functioning.

Pocrass explicitly discloses the process of tapping into the logical data path extending between two modules (col. 18 L54-59).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Pocrass as stated above with Ullman in view of Sato, in order to tap into the data path to detect whether the software modules or components are functioning.

One of ordinary skilled in the art would have been motivated because it would have provided an easy way to check the status of the data path, configure, operate and would have maintained the data paths (Pocrass, col. 22 L34-41, col. 3 L26-31).

7. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman (Pub. No.: US 2002/0112039 A1) in view Sato et al., (hereinafter Sato, U. S. Patent No. 6,718,482 B2), and further in view of Hirosawa et al., (hereinafter Hirosawa, U. S. Patent No. 5,237,677).

As per claim 19, Ullman in view of Sato does not disclose the process of assigning stage identifiers to distinguish the at least a first stage software component and a second stage software component from one another and to identify a faulty stage.

Hirosawa, from the same field of endeavor discloses the process of assigning stage identifiers to distinguish the at least a first stage software component and a second stage software component from one another to identify a faulty stage (fig. 1 item #256 and fig. 2).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Hirosawa as stated above with the Ullman in order to store the detected faults with the assigned identifiers and fault descriptions.

One of ordinary skilled in the art would have been motivated because the use of identifiers is well known and that is to identify and distinguish the events from one another.

As per claim 20, Ullman in view of Sato does not disclose the process of associating a fault description with each of the stage identifiers for transmission to a management system via a communications network. Hirosawa from the same field of endeavor discloses the process of associating a fault description with each of the fault and identifier for transmission to a management system via a communications network (fig. 6 and fig. 8, col. 17 L5-32). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Hirosawa with Ullman in view of Sato, in order to associate

the fault descriptions with each of the stage identifiers. One of ordinary skilled in the art would have been motivated because it would have provided an administrator a detailed description of the fault, so that an appropriate action could be taken based on information provided.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmed (U. S. Patent No. 6,813,634 B1) in view of Neimat et al., (hereinafter Neimat, U. S. Patent No. 6,012,059).

As per claim 23, Ahmed does not explicitly disclose the process of storing the status code from an output of the remote software module as a dummy transaction in the database and retrieving the status code as the dummy transaction in the database and feeding the retrieved status code for transmission to the base data processing system if the database provides a logical data path of continuity for the status code.

Neimat discloses the process of storing the data message as a dummy transaction in the database and retrieving the data message as the dummy transaction in the database and transmitting the data message to the replicated site (fig. 4 item #56, fig. 6 item #72; col. 4 L13-21 and col. 5 L63-67; col. 4 L30-60: note that if the message can be stored, retrieved and transmitted from a database, than the inherently provides a logical data path of continuity for the status code).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Ahmed in view of Neimat, in order store the data message or status code as a dummy transaction in the database and feeding the status code for transmission to the base to check if the database provides a logical data path continuity for the status code.

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One of ordinary skilled in the art would have been motivated because it would have enabled the synchronization of the events in the system (Neimat, col. 4L13-17). It would have also provided an error detecting means and checking the operating status of the database.

Additional references

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Cook, U. S. Patent No. 5,621,892: Method and Apparatus for managing alerts and events in a networked computer system.
- b. Masters et al., Pub. No.: US 2005/0055322 A1: Resource Management architecture.
- c. Kiuchi et al., U. S. Patent No. 6,882,653 B1: Method for controlling alternative routing at the time of fault of gateway system.
- d. Cohen, U. S. Patent No. 6,553,507 B1: Just-in-time software updates.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kamal Divecha Art Unit 2151 March 15, 2006.

ZARNI MAUNG SUPERVISORY PATENT EXAMINER